

16.06.2021

Court No.28
Item No.02

Akd
&
Ab

CRM 9221 of 2020
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Pukhuria Police Station Case No. 434 of 2019, dated 15.10.2019 under Sections 4/6 of the Protection of Children From the Sexual Offences Act and adding Section 92 of the Right of a Person with Disability Act.

And

In the matter of : **Jaharul Hoque @ Johorul Hoque**
...Petitioner

Mr. Koustav Bagchi,
Mr. Arup Sarkar.

...For the Petitioner

Mr. N. Ahmed,
Mr. Md. Anwar Hossain,
Ms. Sreyashee Biswas.

...For the State.

Pursuant to the order dated 3rd June, 2021 the State produces the DNA test report of Central Forensic Science Laboratory forwarded on 11th January, 2021.

The petitioner is in custody for about 509 days in connection with the instant case launched on the complaint filed by a minor victim girl alleging sexual assault. It is not in dispute that the minor victim girl is impaired as she cannot speak and hear and the incident has been narrated by her in a sign language understood by a person.

After perusing the DNA test report, we do not find that further custody of the petitioner is necessary. Furthermore, the charge sheet has already been submitted, but it is matter of great concern that the charges have not been framed as yet.

We thus enlarge the petitioner, **Jaharul Hoque @ Johorul Hoque**, on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda, subject to the condition that the petitioner shall not leave the jurisdiction of the Pukhuria Police Station without the prior leave of the Court below. Furthermore, the petitioner shall attend the case as and when listed/posted. It is

made clear that failure to attend the Court on a solitary day without any justifiable reason shall disentitle the petitioner to the privilege of bail. It shall be open to the concerned Magistrate/Judge to cancel the bail without any further reference to this Court.

The application for bail, being CRM 9221 of 2020, is thus **allowed.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)